

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. 5,652,263 Issued: July 29, 1997
Applicants : Charles E. Clum Filed: July 2, 1996
Jonas C.T. Wang
Serial No. : 08/674,474
Title : RETINOID COMPOSITIONS CONTAINING A WATER SOLUBLE
ANTIOXIDANT AND A CHELATOR

I hereby certify that this document is being deposited with the
United States Postal Service as "Express Mail Post Office to Addressee" Mailing List Number EE226056254US
addressed to: BOX REISSUE, Assistant Commissioner for Patents, Washington, D.C. 20231 on July 23, 1999

July 23, 1999

(Date)

William E. McGowan

Name of applicant, assignee, or Registered Representative

(Signature)

July 23, 1999

(Date of Signature)

BOX REISSUE
Assistant Commissioner for Patents
Washington, D.C. 20231

REISSUE PATENT APPLICATION
DECLARATION OF JONAS C.T. WANG, CO-INVENTOR

The Applicant named below hereby declares as follows:

1. My residence, mailing address, and country of citizenship given below are true and correct.
2. I believe I am the original, first and joint inventor of the invention claimed in the attached patent application

specification for which a reissue of United States Patent No. 5,652,263 is sought. I have reviewed and understood the attached specification, including its claims.

3. I verily believe that United States Patent No. 5,469,524 is partly inoperative by reason of my claiming less than I had a right to claim in the patent. The patent claims are insufficient in that the patent only claims the composition-of-matter of a skin care composition comprising a water-in-oil emulsion and a retinoid. The invention, however, encompasses broader subject matter, in that the invention also relates to methods of manufacturing emulsion skin care compositions comprising an oil phase, a water phase, and a retinoid wherein certain steps of the method are carried out in the presence of argon.

Furthermore, the issued claims are incomplete in that they do not fully cover all of the possible embodiments of the invention, for example, a method of manufacturing (as described above) having one or more of the following method features (m): (m1) the step of mixing the oil and liquid phases is carried out in the presence of argon; (m2) the cooling step following the mixing of the oil and water phases is carried out in the presence of argon; (m3) the retinoid is retinol; (m4) the retinoid is added to the emulsion after the oil and water phases are mixed; (m5) the retinoid is added to the oil phase prior to mixing; (m6) the emulsion is a water-in-oil emulsion; (m7) the composition retains at least about 60%, by weight, of the retinoid after 13 weeks of storage at 40°C; (m8) the retinoid is added to the emulsion in the absence of ultraviolet light; (m9) the emulsion is added to containers in the presence of argon; (m10) the composition comprises a chelating agent; (m11) the composition comprises a water-soluble anti-oxidant; (m12) the composition comprises an oil-soluble anti-oxidant; (m13) the composition has a pH of between about 4-7; (m14) oil phase and the water phase are each heated until all of the ingredients of the phases are substantially liquefied; (m15) wherein the water phase is heated to above about 75° C, the oil phase is heated to above about 80° C, and the retinoid is added after the emulsion has cooled to below about 53° C; and (m14) the container is a capped tube. New method claims 16 - 63 recite the inventive subject matter more broadly and completely, as described in greater detail herein.

4. The present invention that matured into U.S. Patent No. 5,652,263 was filed on July 2, 1996. When such application was prepared and during subsequent prosecution, I did not realize that method claims could be extended to cover the subject matter discussed in item 3 above. The error was an oversight that arose without deceptive intention. As a result of my review of the issued patent, I determined that its claims are overly narrow in view of the full scope of the invention as described in the application and fail to cover various embodiments of the invention that have widespread commercial use.

5. I believe that the present reissue application overcomes the defect by adding method claims 16-63. Claims 16-63 recite subject matter that is not covered and we inadvertently omitted from the claims of the patent. The scope of claims 16-63 differs from that of any of the existing patent claims in that it encompasses methods of manufacturing an emulsion skin care composition comprising an oil phase, a water phase, and a retinoid.

Further, the scope of other claims differs from that of any of the existing patent claims in that it encompasses methods comprising the skin care composition (as described above) having one or more additional method features (m1 - m16, paragraph 3 above), as set forth below.

<u>Feature</u>	<u>Claim(s)</u>
m1	16-36, 39-41, 43, 45, 47, 49, 51, 53, 56, 58, 60, 61 & 63
m2	37-63
m3	17-36 & 38-63
m4	18, 21, 23, 25, 27, 29, 31, 33, 34, 36, 40, 43, 45, 47, 49, 51, 53, 56, 58, 60, 61 & 63
m5	19 & 41
m6	20, 21, 23, 25, 27, 29, 31, 33, 34, 36, 42, 43, 45, 47, 49, 51, 53, 56, 58, 60, 61 & 63
m7	22, 23, 25, 27, 29, 31, 33, 34, 36, 44, 45, 47, 49, 51, 53, 56, 58, 60, 61 & 63
m8	24, 25, 27, 29, 31, 33, 34, 36, 46, 47, 49, 51, 53, 56, 58, 60, 61 & 63
m9	26, 27, 52 & 53
m10	28, 29, 34, 55, 56 & 61
m11	30, 31, 57 & 58
m12	32-34 & 59-61

m13 35, 36, 62 & 63
m14 48 & 49
m15 50 & 51
m16 54

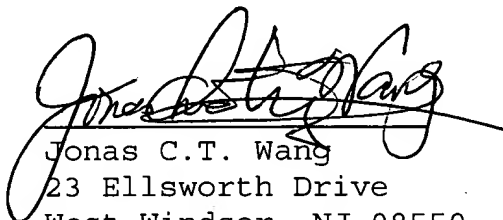
I believe new method claims 16-63 are supported by the patent specification and recite the invention subject matter more broadly and completely than the patent claims.

6. I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application. I understand that information is material where there is a substantial likelihood that a reasonable patent examiner would consider it important in deciding whether to allow the attached application to issue as a patent.

I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

July 22, 1999



Jonas C.T. Wang
23 Ellsworth Drive
West Windsor, NJ 08550
Citizenship: United States

09360925-00000000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. 5,652,263 Issued: July 29, 1997
Applicants : Charles E. Clum Filed: July 2, 1996
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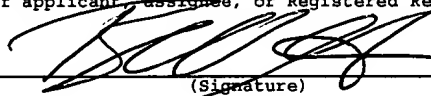
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William E. McGowan

Name of applicant, assignee, or Registered Representative



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July 23, 1999

(Date of Signature)

BOX REISSUE
Assistant Commissioner for Patents
Washington, D.C. 20231

REISSUE PATENT APPLICATION
DECLARATION OF CHARLES E. CLUM, CO-INVENTOR

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m12	32-34 & 59-61

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m15 50 & 51
m16 54

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I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: July 22, 1999

Charles E. Clum
Charles E. Clum
60 Brophy Drive
Ewing, NJ 08638-1241
Citizenship: United States

65E220-50809E60

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. 5,652,263 Issued: July 29, 1997

Applicants: Charles E. Clum Filed: July 2, 1996
Jonas C.T. Wang

Serial No. : 08/674,474

Title : RETINOID COMPOSITIONS CONTAINING A WATER SOLUBLE
ANTIOXIDANT AND A CHELATOR

Assistant Commissioner for Patents
Washington, D.C. 20231

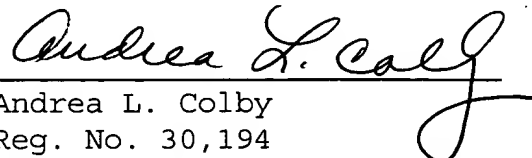
ASSOCIATE POWER OF ATTORNEY

Sir:

In the matter of the above-identified application, I hereby appoint William E. McGowan (Reg. No. 39,301, whose postal address is One Johnson & Johnson Plaza, New Brunswick, New Jersey 08933-7003) to prosecute said application, to make alterations and amendments therein, to file continuing applications claiming the benefit of said application, to receive the patent and to transact all business in the Patent Office connected with said application.

I request all communications with respect to said application be addressed to Audley A. Ciamporzero, One Johnson & Johnson Plaza, New Brunswick, New Jersey 08933-7003. All telephone calls should be directed to William E. McGowan at (732) 524-2197.

Signed at New Brunswick, in the County of Middlesex and State of New Jersey, this 22nd of July, 1999.



Andrea L. Colby
Reg. No. 30,194
Attorney for Applicant(s)

66E240 50809E50

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. 5,652,263 Issued: July 29, 1997
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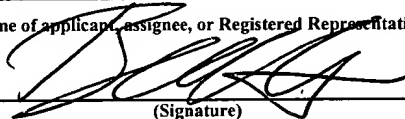
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July 23, 1999

(Date)

William E. McGowan

Name of applicant, assignee, or Registered Representative



(Signature)

July 23, 1999

(Date of Signature)

BOX REISSUE
Assistant Commissioner for Patents
Washington, D.C. 20231

OFFER TO SURRENDER PATENT

Sir:

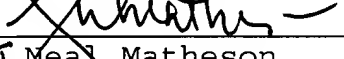
Johnson & Johnson Consumer Companies, Inc. is the
assignee of the entire interest in Letters Patent for
Patent No. 5,562,263 granted on July 29, 1997. I offer to
surrender the original patent. A Certificate under 37

C.F.R. 3.73(b) is attached hereto. I am authorized to act on behalf of the assignee.

I declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Johnson & Johnson Consumer
Companies, Inc.

Dated: 7/23/99

By: 
Name: J. Neal Matheson
Title: Executive
Vice President

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. 5,652,263 Issued: July 29, 1997
Applicants : Charles E. Clum Filed: July 2, 1996
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July 23, 1999

(Date)

William E. McGowan

Name of applicant, assignee, or Registered Representative

(Signature)

July 23, 1999

(Date of Signature)

BOX REISSUE
Assistant Commissioner for Patents
Washington, D.C. 20231

CONSENT TO THE REISSUE

Sir:

Johnson & Johnson Consumer Companies, Inc., assignee
of the entire interest in Letters Patent for Patent No.
5,562,263 granted on July 29, 1997, consents to the filing
of reissue application No. 08/674,474 for the reissue of
U.S. Patent No. 5,562,263.

Johnson & Johnson Consumer
Companies, Inc.

Dated: 7/23/88

By: J. Neal Matheson
Name: J. Neal Matheson
Title: Executive
Vice President

BEST AVAILABLE COPY

CERTIFICATE OF AMENDMENT TO THE
CERTIFICATE OF INCORPORATION OF

CGN
FILED

Johnson & Johnson Consumer Products, Inc.
(For Use by Domestic Corporations Only)

JUN 26 1997

To: The Secretary of State
State of New Jersey

LONNA R. HOOK
Secretary of State

Pursuant to the provisions of Section 14A:9-2(4) and Section 14A:9-4(3), Corporations, General, of the New Jersey Statutes, the undersigned corporation executes the following Certificate of Amendment to its Certificate of Incorporation:

1. The name of the corporation is Johnson & Johnson Consumer Products, Inc.
2. The following amendment to the Certificate of Incorporation was approved by the directors and thereafter duly adopted by the shareholders of the corporation on the 12th day of June 1997:

Resolved, that Article First of the Certificate of Incorporation be amended to read as follows:

"First: The name of the Corporation shall be
Johnson & Johnson Consumer Companies, Inc.

3. The number of shares entitled to vote upon the amendment was 8,519

If the shares of any class or series are entitled to vote thereon as a class, set forth below the designation and number of shares entitled to vote thereon of each such class or series. (Omit if not applicable.)

(Use the following paragraph if amendment adopted by shareholders at a meeting)

4. The number of shares voting for and against such amendment is as follows: (If the shares of any class or series are entitled to vote as a class, set forth the number of shares of each such class and series voting for and against the amendment, respectively.)

Number of Shares Voting For Amendment

Number of Shares Voting Against Amendment

(Use the following paragraph if the amendment was adopted by the written consents of the shareholders without a meeting, in the manner authorized by N.J.S. Sec. 14A:5-6)

4. That in lieu of a meeting and vote of the shareholders and in accordance with the provisions of Section 14A:5-6, the amendment was adopted by the shareholders without a meeting pursuant to the written consents of the shareholders and the number of shares represented by such consents is 8519 shares. (If any class or series are entitled to vote as a class, set forth the number of shares of any class or series entitled to vote as a class and indicate that the amendment was also approved by the written consent of that class of shareholders and the number of shares of said class or series represented by the consents.) common - 8519

If the amendment is accompanied by a reduction of stated capital, the following clause may be inserted in the Certificate of Amendment in lieu of filing a Certificate of Reduction under Section 14A:7-19, Corporations, General, of the New Jersey Statutes. Omit this clause if not applicable.

26
40

5. The stated capital of the corporation is reduced in the following amount _____.
The manner in which the reduction is effected is as follows:

The amount of stated capital of the corporation after giving effect to the reduction is \$_____.
(Must be set forth in dollars.)

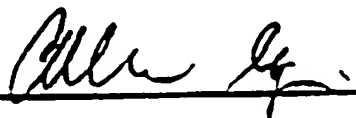
6. If the amendment provides for an exchange, reclassification or cancellation of issued shares, set forth a statement of the manner in which the same shall be effected. (Omit if not applicable.)

(Use the following only if an effective date, not later than 30 days subsequent to the date of filing is desired.)

7. The effective date of this Amendment to the Certificate of Incorporation shall be
July 1, 1997

Dated this 19th day of June, 1997

Johnson & Johnson Consumer Products, Inc.
(Corporate Name)

By 

C. Goggins President
(Type or Print Name and Title)

(May be executed by the chairman of the board, or the president, or a vice president of the corporation.)

BEST AVAILABLE COPY

CERTIFICATE OF AMENDMENT TO THE
CERTIFICATE OF INCORPORATION OF

CGN
FILED

Johnson & Johnson Consumer Products, Inc.
(For Use by Domestic Corporations Only)

JUN 26 1997

To: The Secretary of State
State of New Jersey

LONNA R. HOOK
Secretary of State

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Number of Shares Voting For Amendment

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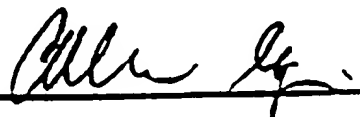
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(Corporate Name)

By 

C. Goggins President
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(Signature)

July 23, 1999

(Date of Signature)

BOX REISSUE
Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE UNDER 37.C.F.R. SECTION 3.73 (b)
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION

Dear Sir:

Johnson & Johnson Consumer Companies, Inc., a New Jersey
corporation, certifies that it is the assignee of the entire
right, title, and interest in the patent application identified
above by virtue of:

An Assignment from the inventors of the patent application identified above to Johnson & Johnson Consumer Products Inc. The Assignment is recorded in the Patent and Trademark office at Reel 5752, Frame 0097, a copy thereof is attached; and

Johnson & Johnson Consumer Products Inc. changed its name to Johnson & Johnson Consumer Companies, Inc. A copy of the change of name document, attached hereto, is filed herewith with the U.S. Patent and Trademark Office.

The undersigned, who is empowered to sign this certificate on behalf of the assignee, has reviewed all of the evidentiary documents in the chain of title of the patent application identified above and, to the best of his or her knowledge and belief, title is in the assignee identified above.

I hereby declare that all statements made on my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Dated: 7/23/99

JOHNSON & JOHNSON CONSUMER
COMPANIES, INC.

By J. Neal Matheson
J. Neal Matheson
Executive Vice President

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 88933-7003
732-524-2197
Atty Docket No. JBP-462

[illegible]